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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/813,740

03/31/2004

Jonathan Hitt

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5139

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7590

07/11/2007

WOOD, PHILLIPS, KATZ, CLARK & MORTIMER

500 W. MADISON STREET

SUITE 3800

CHICAGO, IL 60661

EXAMINER

DUONG, THO V

ART UNIT

PAPER NUMBER

3744

MAIL DATE

DELIVERY MODE

07/11/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/813,740

Applicant(s)

HITT ET AL.

Examiner

Tho v. Duong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3, 5, 6 and 13-33 is/are pending in the application.
- 4a) Of the above claim(s) 3, 5, 26-29 and 31-33 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6, 13-16, 18, 22-24 and 30 is/are rejected.
- 7) ☒ Claim(s) 17, 19-21 and 25 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Receipt of applicant's amendment filed 4/6/07 is acknowledged. Claims 3,5-6, 13-33 are pending. Claims 3,5,26-29 and 31-33 remain withdrawn from further consideration.

Applicant is reminded to correct the claims status identifier of claims 3,5,26-29 and 31-33 to include "Withdrawn" status.

Response to Arguments

Applicant's arguments filed 4/6/07 have been fully considered but they are not persuasive. Applicant's argument that reference to Christen fails to disclose an arm of one angle member being slidable within an arm of the other angle member, has been very carefully considered but not found to be persuasive. Christen discloses (figures 7-9) that an extension (96) of one arm is received within the other arm (90B or 92B) and is slidable along the length of the arms (prior the arm has been locked by locks 98).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 6,13-15 and 22-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Christensen (US 6,029,345). Christensen discloses (figures 7-10) a frame for mounting at least one heat exchanger in a vehicle comprising a longitudinal side and a transverse side (90,92,94); at least one of the sides being adjustable in length in the direction of the side; fasteners (126,128,130,132) on the sides adapted to fasten to at least one heat exchanger between the

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sides; supports (110,124)) on the transverse side adapted to secure to a vehicle to support the frame therein; a first angle member having a pair of arms (92A,94A) oriented in an L; a second angle frame member having a pair of arms (92B, 94B) oriented in an L; wherein an arm (92A) which including an extension (96) of the first angle frame member is slidable within and along an arm of the second angle frame member to a plurality of different positions along the arm (92B) to adjustably secure the arms together along their length to define the adjustable side; and a locking member (98) for securing the extension of one arm to the other arm in a selected position. Christensen further discloses a third angle frame member having a pair of arms (90A, 94A) oriented in an L; a fourth angle frame member having a pair of arms (90B,94B) oriented in an L; wherein an arm (90A) including an extension (96) of the third angle frame member is slidable within and along an arm (90B) of the fourth angle frame member to a plurality of different positions along the arm of the fourth angle frame member to adjustably secure the arms together along their lengths.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Christensen in view of Olson (US 5,360,059). Christensen substantially discloses all of applicant's claimed invention as discussed above except for the limitation of an angle crosspiece

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between the L-oriented pair of arms. Olson discloses (figure 1) a frame for mounting a heat exchanger wherein the frame has an angle crosspiece (58) between the L-oriented pair of arms for a purpose of providing a gusset to reinforce the frame structure. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use Olson's teaching in Christensen's frame for a purpose of providing a gusset to reinforce the frame structure.

Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Christensen in view of Koyama (US 2003/0085027A). Christensen substantially discloses all of applicant's claimed invention as discussed above except for the limitation that there are at least two heat exchangers with headers on top and bottom fastened to the frame. Koyama discloses (figure 1 and paragraphs 33-35) discloses a heat exchanging system that has a frame (1) and two heat exchangers (11,13), wherein each heat exchanger has a header (11c,a, 13a,13b) on top and bottom and wherein the two heat exchangers are fastened to the frame (1) for a purpose of forming a compact heat exchanger system that has at least two heat exchangers. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use Koyama's teaching in Christensen's system for a purpose of forming a compact heat exchanger system that has at least two heat exchangers.

Allowable Subject Matter

Claims 17,19-21 and 25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

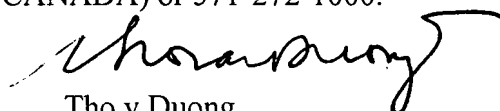
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tho v. Duong whose telephone number is 571-272-4793. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tyler J. Cheryl can be reached on 571-272-4834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Tho v Duong
Primary Examiner
Art Unit 3744

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July 3, 2007